

Serial No. 10/644,332

Office Action Dated: June 1, 2005

Response/Amendment Dated: Sept. 1, 2005

REMARKS

This Amendment and Response are made in reply to the Office Action dated June 1, 2005, in which the following rejections and objections were made:

claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S.

Patent No. 2,716,510 to Massmann;

claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as unpatentable over Massmann in view of U.S. Patent No. 5,709,322 to Ricciardi; and

claims 2 and 5-9 were objected to based on dependence on a rejected base claim.

Applicant respectfully traverses these rejections and objections below. Claims 1-9 are currently pending, claim 1 has been cancelled, claims 2 and 3 have been amended, and claims 10 and 11 have been added, leaving claims 2-11 pending in this application.

Regarding the rejection of claim 3 under 35 U.S.C. § 103(a) as unpatentable over Massmann in view of Ricciardi, amended claim 3 recites, in part, a metering machine, wherein the piston and the transfer screw are actuated by respective associated motors. Neither Massmann nor Ricciardi, nor the combination thereof teach or suggest the claim 3 recitations.

Massmann does not teach or suggest motor actuation for any purpose, notably not for pistons (12, 13).

Ricciardi does not add to the teachings of Massmann. Specifically, Ricciardi does not teach or suggest any pistons and, correspondingly does not teach or suggest any motor actuation for pistons.

As neither Massmann nor Ricciardi, nor the combination thereof teach or suggest the claim 3 recitations, Applicant respectfully requests allowance of claim 3 for at least the reasons stated above.

Regarding the rejection of claim 4 under 35 U.S.C. § 103(a) as unpatentable over Massmann in view of Ricciardi, claim 4 depends directly from claim 3 and includes additional recitations thereto. Applicant

Serial No. 10/644,332

Office Action Dated: June 1, 2005

Response/Amendment Dated: Sept. 1, 2005

respectfully requests allowance of claim 4 for at least the reasons stated in connection with claim 3 above.

Regarding the objections to claims 2 and 5-9, Applicant's amended claim 2 has been rewritten in independent form to include all recitations of claim 1. Claims 5-9 depend from claim 2, including additional recitations thereto. Applicant respectfully submits that this satisfies the Examiner's objection to claims 2 and 5-9, and requests claims 2 and 5-9 be allowed.

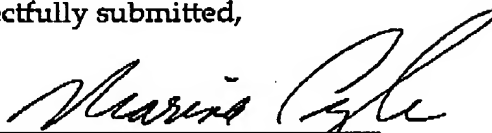
Applicant respectfully submits that nothing in the current amendment constitutes new matter. Claims 2 and 3 were rewritten as independent claims by including the recitations of claim 1. New claims 10 and 11 include the recitations of claims 3 and 4, but depend from claim 2. Applicant respectfully requests allowance of claims 10 and 11 as depending from an allowable claim 2.

As Applicant has traversed each and every rejection and objection raised by the Examiner, it is hereby respectfully requested that Examiner withdraw the rejections of claims 3 and 4, and the objections to claims 2 and 5-9, and pass claims 2-11 to issue.

Applicant believes that no fees are due in connection with this amendment and response. If any fees are deemed necessary, please charge them to deposit account 13-0235.

Respectfully submitted,

By



Marina F. Cunningham
Registration No. 38,419
Attorney for the Applicant

MCCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290